IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

Crl.MC.No. 1122 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.1086/2007 Dated 26/02/2007
CRIME NO.22/07 OF THAMARASSERY POLICE STATION.

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PETITIONER: IST ACCUSED

GEORGE XAVIER, S/O.XAVIER,
PLAVANKUZHI HOUSE, DHOTTAPANKULAM,
BEEANCHI, WAYANAD.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT AND STATE

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1. THE SUB INSPECTOR OF POLICE,
THAMARASSERY POLICE STATION.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO.1122 OF 2007

Dated this the 9th day of April, 2007

ORDER

The petitioner faces the allegations, inter alia, under Secs.420 and 465 of the IPC. He was granted anticipatory bail by this Court subject to conditions. He complied with the conditions and appeared before the learned Magistrate. The learned Magistrate directed his release subject to conditions. The petitioner has come to this Court with this Crl.M.C. to delete the said conditions.

2. It is certainly for the petitioner to move the learned Magistrate for alteration/modification of the conditions imposed by the learned Magistrate. The conditions imposed by the learned Magistrate may be identical with the conditions imposed by this Court in the anticipatory bail application. But, legally the said conditions are imposed by the learned Magistrate and it is for the petitioner to move the learned

Magistrate for modification of the said conditions. The mere fact that the conditions imposed are identical to the conditions imposed by this Court when the anticipatory bail was granted for a limited period of time is no reason for the petitioner to approach this Court directly with the prayer for modification of the conditions imposed by the learned Magistrate.

3. This Crl.M.C. is, in these circumstances, dismissed. The petitioner, needless to say, can seek modification of the conditions imposed by the learned Magistrate by filing appropriate application before the learned Magistrate.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge